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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,515	01/30/2004	Bhanwar Singh	AMDP999US/H1920	6654
23623	7590	02/26/2007		
AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			EXAMINER RUGGLES, JOHN S	
			ART UNIT	PAPER NUMBER
			1756	
			MAIL DATE	DELIVERY MODE
			02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/768,515

Applicant(s)

SINGH ET AL.

Examiner

John Ruggles

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-8.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments with respect to the prior art rejections under 35 USC 102(b), 103(a) are still not found to be persuasive. First of all, Applicants seem to be confused on pages 8-9 and 11 of the current amendment remarks section about the previous 12/11/06 grounds of rejection over either of the Vasudev et al. references as being in alternative form under 102(b)/103(a) (rather than under 102(b) alone) based on the inherent ability of the vertical sidewall absorbers of the prior art mask structures taught by Vasudev et al. to absorb incident light falling thereon, while adjacent horizontal surfaces of the mask structures are transparent to the incident light. Since these prior art Vasudev et al. masks have substantially the same structure as the instantly claimed mask, they would be expected to inherently function in the same manner as instantly claimed (see MPEP § 2112.01, I. and MPEP § 2114), as previously pointed out. While arguing that Vasudev et al. do not specifically describe the instant intended use of such mask structures having vertical sidewall absorbers, Applicants have failed to show that the Vasudev et al. mask structures are not capable of performing in the manner described by the previous 12/11/06 Office action on pages 6-8. In fact, the Vasudev et al. prior art vertical sidewall absorbers would be considered effective for blocking light from any direction or any angle, but these prior art sidewall absorbers would be especially effective for blocking incident vertical light due to the apparent greater thickness in the vertical direction than in the horizontal direction of these prior art sidewall absorbers. Secondly, Applicants rely on the limitation "for a nonoprint lithographic process" at the top of page 9 in the current amendment remarks section, but this limitation is not even specifically recited by the instant claims. Thirdly, Applicants' further arguments on pages 11-13 concerning other instant claims rely on those previously addressed above.

Nevertheless, the current amendment to cancel previously withdrawn claims 9-23 is entered and the current specification amendments are also entered. Therefore, the previous objection to Figure 8 is now withdrawn in view of the current specification amendment at page 10 line 1 of "882" to --852--.

While the previous specified objections to the abstract labeled (A)-(C) are withdrawn in view of the current amended abstract, this amended abstract prompts new objections as follows: (a) at lines 1-2, "to facilitate the reproduction small features" should be changed to --to facilitate [[the]] reproduction OF small features-- and (b) at line 8, "features, that allow" should be changed to --features, [[that]] WHICH allow--, in which text in all CAPITAL letters indicates addition.

The previously exemplified objections to the specification numbered (1)-(3) are also withdrawn in view of the current entered specification amendments.

However, the specification is still objected to as currently amended, because of Applicants' failure to use proper idiomatic English, misspellings, etc. (see MPEP 608.01 for a description of specification requirements). Further examples of remaining reasons for objection to the specification as currently amended include the following: (4) at page 2 line 10, "reduction in size form the mask to the projected image" is confusing and should be changed to --reduction in size [[form]] FROM the mask to the projected image--; (5) at page 2 line 30, "patterns are place on the mask" should be changed to --patterns are placeD on the mask--; and (6) at page 5 line 8, "though" is misspelled and should be corrected to --thRough--, if these changes better represent Applicants' original intention for the meanings of these passages. Applicants' assistance is also requested in correcting all other errors of which they are aware.

jsr
571-272-1390



MARK F. HUFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700